

December 3, 1987

Dear Senators,

My apologies for not responding more promptly to your letter of November 10th concerning S. 1721 and S. 1818. I have been out of the city almost continuously since November 1st.

Let me begin by reaffirming my strong support for Congressional oversight of our intelligence activities. If new legislation is required to make oversight effective, I would support it. I would, though, suggest that a prior step would be for the Intelligence Committees to inform the public on how well they were able or not able to get to the bottom of the Intelligence Community's involvement in the Iran-Contra affair.

Your joint appendix to the report of the Select Committees on the Iran-Contra affair is a wonderful start in that direction. But, since the Select Committees could not devote sufficient time to the intelligence aspects of the Iran-Contra affair, the public still does not have a grasp of whether the CIA was off base seriously or just in a minor way. I believe the public expects the oversight committees to be able to flesh out the details and specifics that your appendix did not include. There have been a lot of reports in the media that leave the public in doubt, e.g., that Castillo was reprimanded by the CIA for his role in the assassination manual just before being promoted to Chief of Station; that the CIA wrote a series of \$999,999.99 checks to avoid a legal constraint; that the retroactive finding on the CIA's role in supplying arms to Iran was not legal, but that there was a legal opinion that it was; that the Graham Fuller estimate of May 1985 was not sent to the intelligence agencies that might have disagreed with it; and that NSA withheld intelligence data from intelligence agencies at the request of the White House. There is very little information in the public domain as to who was responsible for these errors and for those other errors mentioned in your appendix. Overall, what the public needs to know is whether the errors of the Intelligence Community were largely those

of Bill Casey, of Bill Casey and a handful of CIA people, or of much wider proportions.

I believe the CIA professionals also need an outside judgment on who was responsible for the mistakes in Iran-Contra. When I took over the CIA in 1977 I found that a prevalent in-house myth was that the errors uncovered by the Church Committee were all attributable to orders from political authorities. The professionals today need to understand what the facts are if they are to lead the Agency well in the future.

The public also deserves to understand better just how well the oversight process worked in Iran-Contra. One evidence of that is how good a grasp the Committees have today, after the fact, on what role the Intelligence Community played. The public should also know why the Committees did not detect what was going on earlier. There was, after all, a lot of evidence in the public domain as far back as August 1985 that the Administration was skirting the law on the contras. The Committees, the Congress as a whole, the media and the public all failed to pursue that evidence diligently enough. If the Committees can explain to the public why that evidence was not followed up and why the proposed new laws would change that in the future, you may well build support for S. 1721 or S. 1818.

There are several aspects of those bills on which I would like to comment. The first is the provision of S. 1721 for prior consultation with the Congress by the President. That, it seems to me, intrudes the Congress past where the Constitution intended. The President may be well advised to consult with Congress on many issues. I do not believe he should be required to do so. Presidents may make mistakes as a result of not consulting, but our Constitution is not designed primarily for efficiency.

Similarly, I do not believe it wise for S. 1818 to establish an Inspector General for the CIA who reports to the Congress as well as to the President and the DCI. Three masters is too many for good management; the Congress should not appear to be moving into a management role or to be placing a spy in the DCI's camp; and it would be preferable for the Intelligence Committees to establish their own systems of checking on the CIA, rather than relying on an Inspector General. Any DCI will be wary of an Inspector General

who reports to the Congress, partly for fear that matters may get out of control before he has had an opportunity to resolve them. As a practical matter, I suspect DCI's would load up such an Inspector General with routine inspections and deputize someone else to uncover the serious problems for them.

Both bills require notification of findings of covert actions within 24 or 48 hours. I could support that only if covert action is defined differently than at present. There must be some room for the CIA to conduct rescue operations which expose the lives of CIA personnel, as we did in 1980 with the "Canadian Six"; and for operations that expose CIA lives in support of secret military operations, as was the case in 1980 with the exploratory flight into Desert One and the purchase of trucks and a warehouse in Teheran. If covert action is defined as anything other than collecting intelligence, as it is now, those three highly successful CIA actions might not have taken place. That is, I do not know whether I could have faced the men I sent on those missions and told them I was informing more people on Capitol Hill about how they were going to risk their lives, than knew inside the CIA.

S. 1721 does change the definition of covert action. It is an improvement, but I have qualms over whether it is adequate. The three cases cited above might not be covert actions under it, but if so the arms sales to Iran would also not have been covert actions. I suggest we need wording to the effect that the essence of a covert action is that the U.S. Government's hand not ever be known, as opposed to keeping an activity secret until it is completed. For instance, we certainly lost something when in 1954 it came out that the CIA had assisted in the overthrow of Mossadeq, whereas we can now talk publicly about the Canadian Six.

Finally, I support the provision of S. 1818 for mandatory imprisonment for lying to the Congress. I have been most distressed not only at LCol. North's bald-faced lying, but at indications that professionals from the CIA were less than forthright with both the Intelligence Committees and the Select Committees on Iran-Contra. CIA professionals must, of course, lie in some aspects of their work, but that is lying to foreigners for operational reasons. What they must understand, however, is that lying within the family

cannot be tolerated. One of my first actions as DCI was to fire two CIA case officers who had lied to their superiors about operational matters. I took the position that if they could get away with that, their superiors might think they could get away with lying to me and I would lose control. An extra measure of prevention here is well worthwhile because of the unique nature of the CIA.

I apologize for going on at such length; and again for being so tardy. If I can help in any other way, please let me know.

Yours sincerely,

Stansfield Turner

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